

1-1 By: Hinojosa, et al. S.B. No. 602
 1-2 (In the Senate - Filed January 25, 2017; February 13, 2017,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 24, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-6 April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 602 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the establishment of a restructuring commission to
 1-22 evaluate each state supported living center.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 555, Health and Safety Code, is amended
 1-25 by adding Subchapters F and G to read as follows:

1-26 SUBCHAPTER F. STATE SUPPORTED LIVING CENTER RESTRUCTURING AND
 1-27 CLOSURES

1-28 Sec. 555.201. STATE SUPPORTED LIVING CENTER RESTRUCTURING
 1-29 COMMISSION. (a) In this subchapter:

1-30 (1) "Restructuring commission" means the state
 1-31 supported living center restructuring commission.

1-32 (2) "Section 1915(c) waiver program" has the meaning
 1-33 assigned by Section 533A.031.

1-34 (b) The restructuring commission consists of five members
 1-35 appointed by the governor and the following three nonvoting ex
 1-36 officio members:

1-37 (1) the executive commissioner of the Health and Human
 1-38 Services Commission or the executive commissioner's designee;

1-39 (2) the executive director of the Texas Facilities
 1-40 Commission or the executive director's designee; and

1-41 (3) the commissioner of the General Land Office or the
 1-42 commissioner's designee.

1-43 (c) The restructuring commission is established to ensure
 1-44 that the state maintains only the number of state supported living
 1-45 centers necessary to meet the level of need for those centers in
 1-46 this state. The restructuring commission shall evaluate each state
 1-47 supported living center to determine whether to recommend the
 1-48 center be consolidated with another center, downsized, repurposed,
 1-49 or closed. The restructuring commission may not recommend the
 1-50 closure of more than five centers.

1-51 (d) The restructuring commission must visit each state
 1-52 supported living center in the course of making the restructuring
 1-53 commission's evaluations and determinations. In evaluating a state
 1-54 supported living center, the restructuring commission shall
 1-55 consider:

1-56 (1) the quality of services provided by the center,
 1-57 including the center's most recent certification inspections and
 1-58 the center's ability to meet the minimum ICF-IID standards;

1-59 (2) the costs of operating the center;

1-60 (3) the center's compliance with the 2009 settlement

2-1 agreement between the Department of Aging and Disability Services
2-2 and the United States Department of Justice regarding services
2-3 provided to individuals with intellectual and developmental
2-4 disabilities in state-operated facilities;
2-5 (4) the availability and capacity of community service
2-6 providers in this state;
2-7 (5) the ability of the center to serve alleged
2-8 offenders or high-risk residents;
2-9 (6) the staff turnover rates for center employees and
2-10 the availability of employment opportunities for center employees
2-11 if the center is closed, repurposed, downsized, or consolidated;
2-12 (7) any infrastructure deficiency costs relating to
2-13 the center;
2-14 (8) whether closing, repurposing, downsizing, or
2-15 consolidating the center would adversely affect the geographic
2-16 distribution of centers and community providers in the state;
2-17 (9) the availability and capacity of service providers
2-18 throughout the state and resources in the community capable of
2-19 delivering the quality and level of care each resident of the center
2-20 would require following the closing, repurposing, downsizing, or
2-21 consolidating of the center;
2-22 (10) input from:
2-23 (A) residents of the center;
2-24 (B) parents, guardians, and relatives of
2-25 residents of the center; and
2-26 (C) individuals and relatives of individuals on
2-27 an interest list to receive assistance under a Section 1915(c)
2-28 waiver program; and
2-29 (11) any other criteria the restructuring commission
2-30 considers appropriate.
2-31 (e) Not later than December 1, 2018, the restructuring
2-32 commission shall submit to the governor, the lieutenant governor,
2-33 the speaker of the house of representatives, and the presiding
2-34 officers of the standing committees of the senate and house of
2-35 representatives having primary jurisdiction over intellectual and
2-36 developmental disability issues a report detailing the
2-37 restructuring commission's evaluation of each state supported
2-38 living center and, as applicable, the restructuring commission's
2-39 recommendation for the center to be consolidated with another
2-40 center, downsized, repurposed, or closed.
2-41 (f) The restructuring commission is abolished and this
2-42 section expires January 1, 2019.
2-43 Sec. 555.202. CLOSURE OF STATE SUPPORTED LIVING CENTER.
2-44 The Health and Human Services Commission shall ensure that a state
2-45 supported living center recommended for closure is closed not later
2-46 than August 31, 2023, in accordance with the closure plan
2-47 established for the center under Section 555.203.
2-48 Sec. 555.203. CLOSURE PLAN FOR STATE SUPPORTED LIVING
2-49 CENTER. (a) The Health and Human Services Commission shall
2-50 establish a closure plan for each state supported living center for
2-51 which closure is recommended under Section 555.202.
2-52 (b) The closure plan must provide for closure of the
2-53 facility and its operations not later than August 31, 2023. The
2-54 plan must provide procedures to transition to the community each
2-55 resident for whom transition to the community:
2-56 (1) is approved by persons responsible for the
2-57 treatment of the resident at the state supported living center;
2-58 (2) may be reasonably accommodated by an appropriate
2-59 community placement; and
2-60 (3) is the choice of the resident or guardian of the
2-61 resident.
2-62 Sec. 555.204. PROCEEDS FROM CLOSURE OF STATE SUPPORTED
2-63 LIVING CENTER. The proceeds from the closure of a state supported
2-64 living center, including from the sale or lease of a center's
2-65 facilities or other property, may be appropriated only for services
2-66 for persons with intellectual and developmental disabilities,
2-67 including persons with a dual diagnosis of intellectual and
2-68 developmental disabilities and mental illness.
2-69 Sec. 555.205. RECOMMENDED CLOSURES OF STATE SUPPORTED

3-1 LIVING CENTERS. (a) If the restructuring commission proposes the
3-2 closure of one or more state supported living centers, the 86th
3-3 Legislature shall consider the centers recommended for closure by
3-4 voting on whether to approve the commission's recommendations.

3-5 (b) If the legislation described by Subsection (a) is
3-6 enacted and becomes law, the department shall ensure that each
3-7 state supported living center approved by the legislature for
3-8 closure under Subsection (a) is closed not later than August 31,
3-9 2023.

3-10 Sec. 555.206. EXPIRATION. This subchapter expires
3-11 September 1, 2023.

3-12 SUBCHAPTER G. SALE OF REAL PROPERTY

3-13 Sec. 555.251. OPTION TO PURCHASE REAL PROPERTY. (a) If
3-14 the commission, the department, or another state agency or entity
3-15 offers for sale or plans to commercially develop all or part of real
3-16 property owned by the state on which a state supported living center
3-17 is located, the real property or portion thereof must be offered for
3-18 sale to the city and county in which the real property is located
3-19 before the real property is developed or offered for sale to the
3-20 general public. If the city or county purchases the real property,
3-21 the purchase price may not be less than market value.

3-22 (b) Subsection (a) may not be construed as requiring the
3-23 commission, the department, or another state agency or entity to
3-24 offer real property owned by the state on which a state supported
3-25 living center is located to the city and county in which the real
3-26 property is located before offering the real property for sale to a
3-27 state agency for governmental use.

3-28 SECTION 2. Section 31.158(c)(1), Natural Resources Code, is
3-29 amended to read as follows:

3-30 (1) The sale or lease shall be by sealed bid, by public
3-31 auction, or as provided by Subsection (d); provided, however, the
3-32 School Land Board shall have the first option to purchase such real
3-33 property pursuant to Section 31.159 of this code and the city and
3-34 county in which the real property is located shall have the option
3-35 to purchase such real property pursuant to Section 555.251, Health
3-36 and Safety Code. Subdivisions (2)-(7) apply only to a sale or lease
3-37 by sealed bid or public auction.

3-38 SECTION 3. Not later than September 1, 2017, the governor
3-39 shall appoint five members of the state supported living center
3-40 restructuring commission to serve under Section 555.201, Health and
3-41 Safety Code, as added by this Act.

3-42 SECTION 4. This Act takes effect immediately if it receives
3-43 a vote of two-thirds of all the members elected to each house, as
3-44 provided by Section 39, Article III, Texas Constitution. If this
3-45 Act does not receive the vote necessary for immediate effect, this
3-46 Act takes effect September 1, 2017.

3-47

* * * * *